

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 12/13/11

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----x
JEREMY LEVIN and DR. LUCILLE LEVIN, : 09 Civ. 5900 (RPP) (MHD)

Plaintiffs, : TO BE FILED UNDER

-against- : SEAL

REDACTED

BANK OF NEW YORK, JP MORGAN :
CHASE, SOCIÉTÉ GÉNÉRALE and :
CITIBANK, :
-----xDefendants. :
-----xTHE BANK OF NEW YORK MELLON, :
-----xThird-Party Plaintiff, :
-----x-against- :
-----x**STIPULATION,
ORDER AND
JUDGMENT
OF DISMISSAL**Third-Party Defendants.
-----x

WHEREAS this turnover proceeding was commenced by plaintiffs Jeremy and Lucille Levin (the "Levins") on June 26, 2009, by filing their complaint with this Court, in order to enforce a judgment entered in the Levins' favor against the Islamic Republic of Iran and certain related parties (collectively, "Iran"); and

WHEREAS pursuant to orders entered in this proceeding on September 16 and October 5, 2011, defendant The Bank of New York Mellon ("BNY Mellon") was given leave to serve and file a third-party complaint in this proceeding against various parties that were involved in or may have an interest in or a claim to the proceeds of

certain blocked wire transfers and blocked deposit accounts that were blocked and are being held by BNY Mellon pursuant to Executive Orders issued by the President of the United States and regulations promulgated by the Office of Foreign Assets Control of the United States Treasury Department and that have been designated for inclusion in Phase 2 of this proceeding (the "BNYM Phase 2 Assets"); and

WHEREAS BNY Mellon thereafter filed a third-party complaint in this proceeding dated October 6, 2011 (the "October 6, 2011 BNYM Third-Party Complaint") that named [REDACTED]

[REDACTED], as third-party defendants; and

WHEREAS [REDACTED] acknowledge that they have been duly served with the October 6, 2011 BNYM Third-Party Complaint; and

WHEREAS [REDACTED] now wish to relinquish and surrender any claims or interest they might have in or to any of the BNYM Phase 2 Assets and to be dismissed as a party to this proceeding in order to avoid the expense and inconvenience of continuing to participate in this proceeding; and

WHEREAS the undersigned law firm of Chalos & Co, P.C. hereby represents and warrants that it is acting as counsel for [REDACTED] in connection with this proceeding and that it is authorized to agree to the terms of this Stipulation, Order and Judgment on [REDACTED] behalf and to relinquish and surrender [REDACTED] claims and rights to the BNYM Phase 2 Assets as provided herein;

IT IS HEREBY STIPULATED AND AGREED, ORDERED AND ADJUDGED as follows:

1. Any and all claims, rights and/or interests that [REDACTED] ever had, now have or may hereafter have in, to or with respect to the BNYM Phase 2 Assets are hereby relinquished, surrendered, terminated and extinguished with prejudice, and BNY Mellon is hereby discharged and released from any liability or obligation of any kind whatsoever to [REDACTED] with respect to the BNYM Phase 2 Assets.

2. This Stipulation, Order and Judgment constitutes a final judgment, within the meaning of Rule 54(b) of the Federal Rules of Civil Procedure, with respect to [REDACTED] claims to and rights, if any, in the BNYM Phase 2 Assets, which are discrete and separate claims, and there is no just reason for delay in the entry of judgment with respect thereto.

3. In the event that there are further proceedings in this proceeding with respect to funds or assets held by BNY Mellon other than the BNYM Phase 2 Assets, [REDACTED] agrees that either or both of the entities included within that term may be served with any further or additional third-party summons, third-party complaint or other pleading or process in this proceeding by delivery of such pleading to Chalos & Co, P.C., at the address for that firm set forth below, Attention George M. Chalos, with a copy sent by Federal Express or DHL to [REDACTED] and that such service shall be good and sufficient service, and shall suffice to bring any or all such entities back into this case as third-party defendants, and they hereby waive any and all defenses relating to the form, manner, adequacy or sufficiency of such service of process upon them.

4. Nothing in this Stipulation, Order and Judgment shall limit, restrict, alter or affect the right of BNY Mellon to recover its attorneys' fees in Phase 2 or any other phase or part of this proceeding.

Dated: New York, New York
December 8, 2011

CHALOS & CO, P.C.

By: Kerri M. D'Ambrosio
George M. Chalos
Kerri M. D'Ambrosio
123 South Street
Oyster Bay, NY 11771
Tel. No. (516) 714-4300
E-mail: gmc@chaloslaw.com



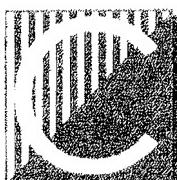
LEVI LUBARSKY & FEIGENBAUM LLP

By: J. Kelley Nevling
Howard B. Levy
Richard F. Lubarsky
J. Kelley Nevling, Jr.
1185 Avenue of the Americas, 17th Floor
New York, NY 10036
Tel. No. (212) 308-6100
E-mail addresses: hlevi@llf-law.com or
knevling@llf-law.com

*Attorneys for Defendant and Third-Party
Plaintiff The Bank of New York Mellon*

SO ORDERED ON DECEMBER 13, 2011:

Ron P. Patterson
United States District Judge



CHALOS & Co, P.C.

International Law Firm

123 South Street, Oyster Bay, New York 11771

TEL +1-516-714-4300 • FAX +1-516-750-9051 • WEB www.chaloslaw.com

pw

George M. Chalos
ATTORNEY AT LAW

DIRECT: +1-516-714-3040

MOBILE: +1-516-723-4076

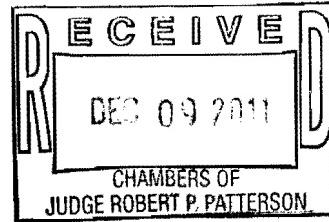
EMAIL: gmc@chaloslaw.com

December 9, 2011

Via Facsimile (with permission) - (212) 805-7917

The Honorable Robert P. Patterson, Jr.
United States District Court
Southern District of New York
500 Pearl Street, Room 2550
New York, New York 10007-1312

Re: Levin v. Bank of New York et. al.
09 Civ. 5900 (RPP)
CHALOS & Co ref: 2001.073



Dear Judge Patterson:

We are counsel for Clarksons a/k/a Clarkson PLC (hereinafter "Clarksons"), who has been named by Defendant Bank of New York Mellon (hereinafter "BNY Mellon") as a third-party defendant/wire transfer party in the above captioned matter. In accordance with Your Honor's Order of earlier today, please find enclosed a redacted Stipulation, Order, and Judgment of Dismissal for electronic filing.

In advance, we thank the Court for its time and consideration, and remain,

Respectfully yours,

CHALOS & Co, P.C.

Kerri M. D'Ambrosio

George M. Chalos
Kerri M. D'Ambrosio

Enc.

cc: J. Kelley Nevling, Jr. Esq., Levi Lubarsky & Feignbaum LLP (by email)
Curtis C. Mechling, Esq., Stroock & Stroock & Lavan LLP (by email)
Ben Weathers-Lowin, Esq., Stroock & Stroock & Lavan LLP (by email)
Richard Kremen, Esq., DLA Piper US LLP (by email)
David Misler, Esq., DLA Piper US LLP (by email)
Suzelle M. Smith, Esq., Howarth & Smith (by email)
Don Howarth, Esq., Howarth & Smith (by email)
Liviu Vogel, Esq., Salon Marrow Dyckman Newman Broudy LLP (by email)
Noel J. Nudelman, Esq., Heideman Nudelman & Kalik, P.C. (by email)
Keith Fleischman, Esq., Fleischman Law Firm (by email)